



SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041
TEL 650.988.8500 FAX 650.938.5200 WWW.FENWICK.COM

December 12, 2016

RODGER R. COLE

EMAIL RCOLE@FENWICK.COM
Direct Dial (650) 335-7603

The Honorable Vincent L. Briccetti
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street, Room 630
White Plains, NY 10601

Re: *Narrative Ark Entertainment LLC v. Archie Comic Publications, Inc., et al.*
Case No. 7:16-cv-06109-VB

Dear Judge Briccetti:

Pursuant to Sections 1(A)-(C) of the Court's Individual Rules of Practice, Defendant Sega of America, Inc. ("**Sega**") respectfully requests that this Court permit Sega to appear telephonically at the initial scheduling conference in this matter, in lieu of making a personal appearance. The initial scheduling conference is scheduled for this Friday, December 16, 2016 at 11:00 a.m. Dkt. No. 35.

Good cause exists for Sega to appear telephonically. As Sega explains in detail in its pending motion to dismiss under Rule 12(b)(2) of the Federal Rules of Civil Procedure, there is no basis for exercising personal jurisdiction over Sega in this matter. *See generally* Dkt. No. 48. As this is a scheduling conference, Sega does not anticipate that counsel will advance any substantive argument about the case or its merits at the conference. Moreover, making a personal appearance at the initial scheduling conference would be unduly burdensome for Sega. The attorneys that intend to appear on Sega's behalf at the scheduling conference reside in California, and appearing personally would require counsel to travel across the country during the travel season for the end-of-year holidays.

Sega has also asked Plaintiff Narrative Ark Entertainment LLC ("**Narrative Ark**") and Defendant Archie Comic Publications, Inc. ("**Archie**") about this request. Both Narrative Ark and Archie have consented, and no party has any objections to allowing Sega to appear by telephone.

Accordingly, Sega moves this Court for an order permitting Sega to make a telephonic appearance at the initial scheduling conference on Friday. Sega further asks this Court to advise Sega about what procedures it should follow to make the telephonic appearance, including

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whether and how counsel should register with CourtCall or another similar service in advance of the initial scheduling conference.

Sincerely,

FENWICK & WEST LLP

/s/ Rodger R. Cole

Rodger R. Cole

cc: All counsel of record via ECF